

The bill was read third time and was passed by the following vote:

**Yeas—26**

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

**Absent—Excused**

Fain	Lemens
Formby	Spears
Kelley	

**Committee Substitute Senate Bill 304  
on Second Reading**

On motion of Senator Vick, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

C.S.S.B. No. 304, A bill to be entitled "An Act amending Article 4726 of the Revised Civil Statutes of Texas, 1925, as amended by Acts 1931, Forty-second Legislature, page 96, Chapter 62; such amended Article, as hereby amended, prescribing and regulating the circumstances in, and conditions upon, which insurance companies organized under the provisions of Chapter 3 or Chapter 7 of Title 78 of such statutes may acquire, own, use, and convey, and must convey, real estate and interests in real estate and liens upon real estate; and providing for escheat for violation; providing severability; and declaring an emergency."

The Presiding Officer laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time.

Question—Shall the bill be passed to engrossment?

**Report of Standing Committee**

Senator Weinert, by unanimous consent, submitted the following report:

Austin, Texas,  
May 4, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred H. B. No. 391, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed and not otherwise printed.

WEINERT, Chairman.

**Adjournment**

On motion of Senator Moffett, the Senate, at 3:55 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

**SIXTY-THIRD DAY**

(Wednesday, May 5, 1943)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of the legislative day of Monday, May 3, 1943, was dispensed with and the Journal was approved.

(Senator Lovelady in the Chair.)

### Reports of Standing Committees

Senator Jones submitted the following report:

Austin, Texas,  
May 5, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Towns and City Corporations to whom was referred H. B. No. 728, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed.

JONES, Chairman.

Senator Sulak submitted the following report:

Austin, Texas,  
May 4, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Public Health to whom was referred H. B. No. 223, have had the same under consideration, and I am instructed to report back to the Senate with recommendation that it do pass and be not printed.

SULAK, Chairman.

Senator Metcalfe submitted the following reports:

Austin, Texas,  
May 5, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising to whom was referred H. B. No. 742, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

METCALFE, Chairman.

Austin, Texas,  
May 5, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Military Affairs to whom was referred H. B. No. 585, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed.

METCALFE, Chairman.

Senator Moffett submitted the following reports:

Austin, Texas,  
May 5, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred H. B. No. 746, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Vice Chairman.

Austin, Texas,  
May 4, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred H. C. R. No. 112, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOFFETT, Vice Chairman.

Austin, Texas,  
May 5, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred H. B. No. 676, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with Committee amendments and be printed.

MOFFETT, Vice Chairman.

Austin, Texas,  
May 5, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred H. B. No. 677, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with Committee amendment and be printed.

MOFFETT, Vice Chairman.

Austin, Texas,  
May 4, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred H. C.

R. No. 122, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOFFETT, Vice Chairman.

Austin, Texas,  
May 4, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred H. B. No. 730, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOFFETT, Vice Chairman.

Austin, Texas,  
May 5, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred H. B. No. 520, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOFFETT, Vice Chairman.

Austin, Texas,  
May 5, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred H. B. No. 380, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Vice Chairman.

Austin, Texas,  
May 5, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred H. B. No. 349, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed and not otherwise printed.

MOFFETT, Vice Chairman.

Austin, Texas,  
May 5, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred H. B. No. 695, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Vice Chairman.

Austin, Texas,  
May 5, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred H. C. R. No. 124, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOFFETT, Vice Chairman.

Austin, Texas,  
May 5, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred H. B. No. 497, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed and not otherwise printed.

MOFFETT, Vice Chairman.

Austin, Texas,  
May 5, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred H. B. No. 527, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Vice Chairman.

Austin, Texas,  
May 5, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred H. B. No. 417, have had same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass with Committee amendment and be printed.

MOFFETT, Vice Chairman.

Senator Winfield submitted the following report:

Austin, Texas,  
May 5, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Public Land and Land Office to whom was referred H. B. No. 489, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WINFIELD, Chairman.

#### House Concurrent Resolution 132

On motion of Senator Hazlewood, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 132, Recalling H. B. No. 655 from the Governor for correction.

(President in the Chair.)

The President laid the resolution before the Senate, and it was read and was adopted.

#### Senate Resolution 94

Senator Winfield offered the following resolution:

Whereas, There is now in the Capitol Lee Rosch, the son of Herman Rosch of El Paso, Texas; and

Whereas, This young man is a most promising citizen of this State; and

Whereas, Lee Rosch has been awarded the honor of representing the Western District in an extemporaneous writing contest to be held here in Austin; and

Whereas, This fine student is President of the National Honor Society and is Lieutenant Colonel of his R. O. T. C.; now, therefore, be it

Resolved, That the Senate of Texas extend to this young man from El Paso, Texas, the privileges of the floor and wish for him continued progress in his worthy ambitions; and be it further

Resolved, That the Secretary of the Senate be instructed to send to Lee

Rosch, El Paso, Texas, a copy of this resolution.

The resolution was read and was adopted.

#### Poem by Mrs. L. S. Loomis

The following poem by Mrs. L. S. Loomis was read to the Senate and ordered printed in the Journal:

Dedicated to the People of Texas

#### A GARDEN IN TEXAS

I have planted my hopes in a garden  
in Texas  
With rain and sunshine and the morning dew.  
May they grow in this garden of Texas  
With the Lord's blessing and the sky so blue.

I am leaving this garden in Texas  
With my heart so weary but true—  
Will you pick for me those flowers?  
They are my hopes.  
They are blooming for you.

Sincerely,

MRS. L. S. LOOMIS.

(Former Baroness  
Margaret Kostjoke-vitsch.  
Kocens)

April 28, 1943.

#### Senate Bill 100 with Senate Amendments

Senator Hazlewood called S. B. No. 100 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate, and the House amendments were read.

Senator Hazlewood moved that the Senate concur in the House amendments.

The motion prevailed.

#### House Concurrent Resolution 115

On motion of Senator Lanning, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 115, Authorizing the State Board of Control to purchase equipment to re-equip the workwork-

ing shop of the Texas Technological College.

The President laid the resolution before the Senate, it was read second time, and was adopted.

#### House Bill 136 on Third Reading

The President laid before the Senate on its third reading and final passage:

H. B. No. 136, A bill to be entitled "An Act amending Article 2911 Revised Civil Statutes providing for the teaching of the effects of alcohol and narcotics in all grades of the public schools, colleges and universities of Texas that are wholly or in part supported by public funds; and declaring an emergency."

The bill was read third time.

On motion of Senator Lovelady, the bill was tabled subject to call.

#### Call of the Senate

Senator Moore moved a call of the Senate for the purpose of maintaining a quorum until 12:00 o'clock m. today, and the motion was duly seconded.

The call was ordered by the following vote:

Yeas—14

Aikin	Moffett
Cotten	Moore
Graves	Morris
Hazlewood	Ramsey
Lane	Shivers
Mauritz	Stone
Metcalfe	Weinert

Nays—9

Brownlee	Martin
Bullock	Sulak
Chadick	Vick
Jones	Winfield
Lovelady	

Absent

Beck	York
Lanning	

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

On motion of Senator Moore, the Sergeant-at-Arms was instructed to enforce the attendance of all unexcused absentees.

#### Committee Substitute House Bill 20 on Third Reading

The President laid before the Senate on its third reading and final passage:

C.S.H.B. No. 20, A bill to be entitled "An Act regulating the practice of chiropractic in Texas; creating an examining board of graduate chiropractors; providing for the appointment and maintenance thereof; providing for an executive secretary and assistants; fixing bond for the executive secretary; outlining qualifications of the chiropractors making up the board; prescribing duties of the board; fixing fees and regulating funds; providing for transfer of certain moneys left as a balance in any fiscal year to the General Fund; defining the science of chiropractic; providing for licensing; providing for license renewal and fee; providing for filing of certified copies of licenses with District Clerks; fixing standards for chiropractic colleges; fixing requirements for examinees and providing exemptions; providing for examination fees; providing for reciprocity and fees; providing for revocation of license after notice and hearing; provided for appeal; providing for action by the Attorney General on application of the board; fixing penalties; repealing all laws in conflict; providing a savings clause; and declaring an emergency."

The bill was read third time.

Question—Shall the bill be passed?

The roll was called on the passage of the bill, and the vote announced: yeas 12, nays 12.

The President voted "yea" and the bill was passed by the following vote:

Yeas—13

The President	Martin
Brownlee	Mauritz
Bullock	Shivers
Graves	Sulak
Hazlewood	Vick
Jones	Winfield
Lovelady	

Nays—12

Aikin	Moffett
Beck	Moore
Chadick	Morris
Cotten	Ramsey
Lanning	Stone
Metcalfe	Weinert

**Absent**

York

**Absent—Excused**

Fain

Lemens

Kelley

Spears

**Paired**

Senator Lane (present), who would vote "nay" with Senator Formby (absent), who would vote "yea."

On motion of Senator Moore, and by unanimous consent, the call of the Senate was terminated.

**House Bill 520 on Second Reading**

On motion of Senator Weinert, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. B. No. 520, A bill to be entitled "An Act to amend Section 4 of Article 7150, Chapter 6, Title 122, of the Revised Civil Statutes of 1925, by adding Section 4A providing that any political subdivision created by the Legislature under Article 16, Section 59, of the Constitution, which engages in the business of generating, manufacturing, selling, or distributing electricity, shall assess and pay taxes on all of its real and personal property the same as if owned by a private person; etc.; and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time.

Senator Weinert offered the following amendment to the bill:

Amend the caption to H. B. No. 520 by striking out the word "certain" where the same appears in line 8 of the caption and inserting in lieu thereof the word "all."

The amendment was adopted.

The bill was passed to third reading.

**House Bill 520 on Third Reading**

Senator Weinert moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 520 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin

Mauritz

Beck

Metcalf

Brownlee

Moffett

Bullock

Moore

Chadick

Morris

Cotten

Ramsey

Graves

Shivers

Hazlewood

Stone

Jones

Sulak

Lane

Vick

Lanning

Weinert

Lovelady

Winfield

Martin

**Absent**

York

**Absent—Excused**

Fain

Lemens

Formby

Spears

Kelley

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

Aikin

Mauritz

Beck

Metcalf

Brownlee

Moffett

Bullock

Moore

Chadick

Morris

Cotten

Ramsey

Graves

Shivers

Hazlewood

Stone

Jones

Sulak

Lane

Vick

Lanning

Weinert

Lovelady

Winfield

Martin

**Absent**

York

**Absent—Excused**

Fain

Lemens

Formby

Spears

Kelley

(Senator Vick in the Chair.)

**House Bill 632 on Second Reading**

On motion of Senator Martin, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. B. No. 632, A bill to be entitled "An Act regulating the separation

and seating of white and negro passengers on motor buses operating for hire; etc.; and declaring an emergency."

The Presiding Officer laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time.

Senator Martin offered the following amendment to the bill:

Amend H. B. No. 632 by striking out the period at the end of Section 3 and by adding at the end of said Section 3, the following:

"and any such peace officer shall have the right and it shall be his duty to remove from said bus, and to arrest any such passenger so violating this Act, the same as if such person were committing a breach of the peace in the presence of such officer."

And amend caption to conform.

The amendment was adopted.

The bill was passed to third reading.

#### House Bill 632 on Third Reading

Senator Martin moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 632 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	

Absent

York

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	

Absent

York

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

#### Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time:

Austin, Texas,  
May 4, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Judicial Districts to whom was referred H. B. No. 750, have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed.

BECK, Chairman.

Austin, Texas,  
May 5, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Education to whom was referred H. B. No. 287, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed and not otherwise printed.

LOVELADY, Chairman.

**House Bill 439 on Second Reading**

The Presiding Officer laid before the Senate as a special order for this hour on its second reading and passage to third reading:

H. B. No. 439, A bill to be entitled "An Act providing that it shall be unlawful for any person, firm, corporation, association, town, city or other political subdivision of this State, or any agent, officer, employee, or representative of same to pollute any surface stream or public body of water in this State; etc.; and declaring an emergency."

The bill was read second time.

(President in the Chair.)

Senator Shivers offered the following (committee) amendment to the bill:

Amend H. B. No. 439 by adding a new section, to be properly numbered and to read as follows

"The provisions of this Act shall not be applicable to any municipal corporation which discharges its sewage into the tide waters of the State of Texas at a point where the tide ebbs and flows, provided that such discharge does not render such water harmful to public health, oyster beds, fish life or bathing places in such waters."

The (committee) amendment was adopted.

Senator Moffett offered the following amendment to the bill:

Amend H. B. No. 439 by striking out Section 3 thereof and inserting in lieu thereof the following:

"Section 3. The term 'public body of surface water of this State' shall include all surface creeks, rivers, streams, bayous, lagoons, lakes and bodies of surface waters that are fed by a stream or are subject to overflow from or into a stream which are the property of the State of Texas or any subdivision thereof, and all portions of the Gulf of Mexico within the gulfward boundary of the State of Texas and all inland waters of the State of Texas in which the tide ebbs and flows."

(President pro tempore in the Chair.)

The amendment was adopted.

Senator Martin offered the following amendment to the bill:

It hereby is moved that H. B. No. 439 be amended by striking out all

provisions following the enacting clause and substituting in lieu thereof the following:

"Section 1. The word person as used in this Act shall include natural persons, copartnerships, corporations, associations, cities, towns, other political subdivisions of this State, any officer, agent, employee or representative of any person; and, it shall be unlawful for any such person to pollute any public body of water of this State, as hereinafter defined.

"Sec. 2. 'Pollute' is hereby defined to be the throwing, discharging or otherwise permitting to reach or to be introduced into any public body of surface water of this State any substance, material or thing in such quantity that the said water is thereby rendered unfit for one or more of the beneficial uses for which such water was fit or suitable prior to the introduction of such substance, material or thing, or is thereby rendered harmful to public health, game birds or game animals, fish or other edible aquatic animals, or endangers any wharf, or endangers or hinders the operation of any boat, or renders unsanitary or unclean any bathing beach.

"Sec. 3. The term 'public body of surface water of this State' shall include all surface creeks, rivers, streams, bayous, lagoons; any lake or body of surface water that is fed by a stream or is subject to overflow from or into a stream, and any body of surface water that is the property of the State of Texas or any subdivision thereof, and all portions of the Gulf of Mexico within the gulfward boundary of the State of Texas and all inland waters of the State of Texas in which the tide ebbs and flows.

"Sec. 4. Provided, however, that if any effluent or manufacturing waste shall first be given such treatment as will remove therefrom floating matter and solids susceptible of being screened out, and be given bacteriological and toxic reductions necessary to protect public health, bathing beaches, edible aquatic life, or oyster beds which would otherwise be adversely affected thereby; then, and in such event and after such treatment, it shall not be a violation of this Act to deposit or discharge such effluent or waste, or to cause the same to be deposited or discharged into any pub-

lic body of surface water, as defined in Section 3 of this Act.

"Sec. 5. Any person who violates any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in the sum not to exceed Two Hundred Dollars (\$200.00), and each day that such a violation is committed shall constitute a separate offense.

"It is provided that any prosecution hereunder shall be subject to the following provisions, viz:

"(1) The venue of the prosecution of any such offense shall be vested in the court having appropriate jurisdiction in the county or counties in which the prohibited pollution is originated or produced;

(2) In the event any one violator of this Act is to be prosecuted for any number of violations exceeding one day, then, and in such event, there shall be instituted one proceeding consolidating all violations hereof to be charged against any one person, and jurisdiction shall be vested in the court having lawful jurisdiction of proceedings involving such a sum of money as will be produced by multiplying the maximum penalty per day, as fixed herein, by the number of days upon which violation is alleged to have occurred;

"(3) Proof that pollution, as herein defined, has been produced shall constitute prima facie proof of guilt, whereupon the defendant may interpose the defense that the alleged pollution could not have been averted by the use of recognized, feasible, practicable and available means, and as to this defense the defendant shall have the burden of proof.

"Sec. 6. Insofar as concerns the protection of fish and other edible aquatic animals, the Game, Fish and Oyster Commission, or the duly authorized deputies thereof, are especially charged with enforcement of this Act, and all fines imposed for violation of this Act, and any fees of the arresting officers, shall be remitted to the Game, Fish and Oyster Commission, and shall be deposited in the State Treasury to the credit of the General Fund of the State of Texas.

"Sec. 7. Article 697 and 698 of the Revised Criminal Statutes of Texas, 1925, and Chapter 42, Acts of the First Called Session of the Forty-second Legislature of Texas, are hereby expressly repealed.

"Sec. 8. Should any Section, sentence, clause, phrase or word of this Act be held invalid by a court of competent jurisdiction, it is hereby declared to be the legislative intent that the remaining portions of the Act shall not be affected thereby but shall remain in full force and effect after omitting such invalid Section, sentence, clause, phrase or word.

"Sec. 9. The fact that the present pollution laws of this State are inadequate, inoperative, and difficult of enforcement and because there is urgent need of effective and adequate laws to preserve important natural resources of this State, to conserve the public health and public welfare of this State creates an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended and said Rule is hereby suspended, and this Act shall take effect from and after its passage, and it is so enacted."

Senator Stone offered the following amendment to the amendment:

Amend Martin's amendment to H. B. No. 439 by striking out Section 3 thereof and inserting in lieu thereof the following:

"Sec. 5. The term 'public body of surface water of this State' shall include all surface creeks, rivers, streams, bayous, lagoons, lakes and bodies of surface waters that are fed by a stream or are subject to overflow from or into a stream which are the property of the State of Texas or any subdivision thereof and all portions of the Gulf of Mexico within the gulfward boundary of the State of Texas and all inland waters of the State of Texas in which the tide ebbs and flows."

The amendment to the amendment was adopted.

(President in the Chair.)

The amendment as amended was lost by the following vote:

Yeas—6

Graves	Martin
Hazlewood	Vick
Lanning	Winfield

Nays—15

Aikin	Chadick
Beck	Jones
Bullock	Lane

Lovelady	Morris
Mauritz	Shivers
Metcalfe	Stone
Moffett	Weinert
Moore	

Absent

Brownlee	Sulak
Cotten	York
Ramsey	

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

Senator Aikin offered the following amendment to the bill:

Amend H. B. No. 439, page 3, in last line of Section 5 by striking out the words "Special Game Fund" and insert in lieu thereof the following: "General Fund."

The amendment was adopted.

Senator Martin offered the following amendment to the bill:

Amend Committee amendment to H. B. No. 439 by striking out of Section 4 the following:

"tidewater or into drains or water courses which directly or indirectly flow or empty into or connect with tidewater within five miles of the place of such deposit or discharge."

And add in lieu thereof the following:

"any public body of surface water as defined in Section 3 of this Act."

Question—Shall the amendment be adopted?

#### Message from the Governor

The following message from the Governor was received and was read and referred to the Committee on Nominations of the Governor:

May 5, 1943.

To the Senate of the Forty-eighth Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be Directors of the Lower Concho Water and Soil Conservation District for six year terms expiring January 1, 1949:

Frank Meixner of Paint Rock, Concho County;

A. P. Freeman of Pasche, Concho County;

Carlos Jones of Millersview, Concho County.

Respectfully submitted,

COKE R. STEVENSON,  
Governor of Texas.

(President pro tempore in the Chair.)

#### Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
May 5, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 143, A bill to be entitled "An Act providing that all school buses shall be painted in the colors red, white and blue, in a distinctive design as herein described; etc.; and declaring an emergency."

H. B. No. 25, "To aid the town of Freeport, Texas, by donating and granting ad valorem taxes for certain period."

The House has concurred in Senate amendments to H. B. No. 248, by a viva voce vote.

H. B. No. 310, A bill to be entitled "An Act to amend Chapter 292, Acts of the Regular Session of the Forty-first Legislature, as amended by Chapter 584, Acts of the Regular Session of the Forty-seventh Legislature, the same being an Act to aid the City of Port Arthur by a donation of a portion of the ad valorem taxes collected in Precinct 2 of Jefferson County; and declaring an emergency."

H. B. No. 712, "Donating one-half of ad valorem taxes collected in Foard County to said county and one-half to the City of Crowell, etc."

H. B. No. 579, A bill to be entitled "An Act to amend Chapter 11, Title 78, of the Revised Civil Statutes of

the State of Texas for 1925, by adding thereto Article 4929A, providing for the recovery of penalties and attorney's fees where the insurer under a fire policy, in the event of a loss, fails to pay the same within sixty days after demand therefor; etc.; and declaring an emergency." (With engrossed rider.)

H. B. No. 652, A bill to be entitled "An Act to release all State ad valorem taxes in the County of San Augustine, in the State of Texas, for a period of five years; etc.; and declaring an emergency."

S. B. No. 211, A bill to be entitled "An Act amending Section 57, of the Certificate of Title Act as the same was amended by the Acts of the Forty-seventh Legislature, Regular Session, Chapter 187, Section 6, page 345; and declaring an emergency."

Respectfully submitted,

CLARENCE JONES,  
Chief Clerk, House of Representatives.

#### Hour for Executive Session

Senator Brownlee moved that the Senate hold an executive session at 11:00 o'clock a. m. tomorrow.

The motion prevailed unanimously.  
(President in the Chair.)

#### House Bills on First Reading

The following House bills, received from the House today, were laid before the Senate, read first time, and referred to the committees indicated:

H. B. No. 712, to Committee on State Affairs.

H. B. No. 652, to Committee on State Affairs.

H. B. No. 310, to Committee on Oil, Gas and Conservation.

H. B. No. 143, to Committee on Education.

H. B. No. 25, to Committee on State Affairs.

H. B. No. 579, to Committee on Insurance.

#### Message from the Governor

The following message was received and was read and referred to the Committee on Nominations of the Governor:

Austin, Texas,  
May 5, 1943.

To the Senate of the Forty-eighth Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be District Attorney of the Forty-ninth Judicial District:

S. Truman Phelps of Laredo, Webb County.

Respectfully submitted,

COKE R. STEVENSON,  
Governor of Texas.

#### Bills and Resolution Signed

The President signed, in the presence of the Senate, after giving due notice thereof, the following enrolled bills and resolution:

S. B. No. 278, A bill to be entitled "An Act to clarify and amend the laws of Texas relating to dentistry by amending Articles 4544, 4546, 4550a, 4551a, of the Revised Civil Statutes of Texas, 1925, as added or amended by Sections 2, 4, 8, and 10, of Chapter 244, General and Special Laws of the Regular Session of the Forty-fourth Legislature of Texas; amending Article 753, 754 and 754a of the Penal Code of Texas, 1925, as added or amended by Sections 17 and 18 of Chapter 244 of the General and Special Laws of the Regular Session of the Forty-fourth Legislature; etc.; and declaring an emergency."

H. B. No. 699, A bill to be entitled "An Act to permit any county having a population of 11,700 and not less and not more than 11,750 to adopt according to the last preceding Federal Census by a majority vote of qualified voters of such county a county unit system to the extent provided in this Act; etc.; and declaring an emergency."

H. C. R. No. 110, Petitioning the Congress and the President to heed advice of commanding officers of the United States armed forces.

H. B. No. 295, A bill to be entitled "An Act to amend Chapter 8, Title 93 of the laws of Texas pertaining to markets and warehouses and particularly to amend Article 5737, 5740 and 5742 of the Revised Civil Statutes of Texas by extending the scope and purposes of such Act and authorizing cooperative associations to be organized for the purpose of pro-

ducing, cultivating and caring for citrus groves in the State of Texas; etc.; and declaring an emergency."

#### Recess

On motion of Senator Weinert, the Senate, at 12:00 o'clock m., took recess to 2:30 o'clock p. m. today.

#### Afternoon Session

The Senate met at 2:30 o'clock p. m. and was called to order by the President.

#### Report of Standing Committee

Senator Jones, by unanimous consent, submitted at this time the following report:

Austin, Texas,  
May 5, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Towns and City Corporations to whom was referred H. B. No. 751, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

JONES, Chairman

#### Senate Concurrent Resolution 54

Senator Chadick, by unanimous consent, offered at this time the following resolution:

S. C. R. No. 54, Commending officers and employees of Consolidated Steel Corporation, Ltd.

Whereas, Since the opening of hostilities in World War II, great strides have been made in the industrialization of Texas; and

Whereas, One of the first major manufacturers to come to this State was the Consolidated Steel Corporation, Ltd., Ship Building Division at Orange, Texas; and

Whereas, This Manufacturer has made Texas a leader in the construction of Naval combat vessels, having achieved the record of being the first ship yard to build a combat vessel in Texas, the first yard in the United States to build and deliver a destroyer escort type vessel, which type vessels have been rated by competent Naval authorities to be the difference between winning and losing the war and the only answer to the submarine

menace, as well as building destroyers and other combat vessels that are now in service on the high seas and has engaged actively in every public and civic activity to further the war effort and promote the interest of Texas and has now contracted to build more vessels than was built by the entire United States in World War I, compared in dollar volume; and

Whereas, The bringing to this State of such industry, honor and achievements and the using of some 18,000 Texas citizens who never before had had experience in the construction of sea-going vessels and winning of the Army and Navy "E" award for excellence in production, is a tribute to the foresight, patriotism, cooperation and hard work of Mr. Alden G. Roach, President, Captain Harry B. Hird, Vice President and Mr. Harvey C. Cranfill, Vice President and a monument to the toil, valor, cooperation and patriotism of the 18,000 employees of such corporation who came from the towns, fields and vocations of East Texas to join in the mighty undertaking of building combat vessels that will play a large part in sweeping our enemies from the sea; and

Whereas, The Legislature, on behalf of the people of this State desire to express the thanks of this State to the officers and employees of this ship yard for their patriotic work and monumental achievements;

Now, therefore, be it resolved by the Senate of the State of Texas, the House of Representatives concurring,

That, the thanks and commendation of the Legislature and the people of the State of Texas, be extended to Mr. Alden G. Roach, President, Captain Harry B. Hird, Vice President and Mr. Harvey C. Cranfill, Vice President and all of the employees of Consolidated Steel Corporation, Ltd., for their patriotic efforts in the interest of winning the war and building up the industries of Texas.

The resolution was read; and on motion of Senator Chadick and by unanimous consent, it was considered immediately.

The resolution was adopted.

#### House Concurrent Resolution 93

On motion of Senator Graves, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 93, Granting permission to the Justin Leather Goods Company to sue the State.

The President laid the resolution before the Senate, it was read second time, and was adopted.

#### House Bill 439 on Passage to Third Reading

The Senate resumed consideration of the pending special order, same being H. B. No. 439, to prevent the pollution of surface streams and public bodies of water, on its passage to third reading; with an amendment by Senator Martin pending.

(Senator Aikin in the Chair.)

Senator Moffett moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

#### Yeas—11

Brownlee	Moffett
Bullock	Moore
Lane	Morris
Lovelady	Stone
Mauritz	Weinert
Metcalf	

#### Nays—10

Aikin	Lanning
Chadick	Martin
Graves	Sulak
Hazlewood	Vick
Jones	Winfield

#### Absent

Beck	Shivers
Cotten	York
Ramsey	

#### Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

Senator Martin offered the following amendment to the bill:

Amend committee amendment to H. B. No. 439, by striking out Sec. No. 4.

Senator Stone moved to table the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

#### Yeas—10

Beck	Chadick
Bullock	Lane

Lovelady  
Mauritz  
Metcalf

Moffett  
Moore  
Stone

#### Nays—13

Aikin	Morris
Brownlee	Ramsey
Graves	Sulak
Hazlewood	Vick
Jones	Weinert
Lanning	Winfield
Martin	

#### Absent

Cotten	York
Shivers	

#### Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

Senator Moore raised a point of order against further consideration of the amendment on the ground that it is not properly drawn.

The Presiding Officer sustained the point of order.

Senator Martin offered the following amendment to the bill:

Amend the bill by striking out Section 4.

Yeas and nays were demanded, and the amendment was adopted, by the following vote:

#### Yeas—12

Brownlee	Morris
Graves	Ramsey
Hazlewood	Vick
Jones	Weinert
Lanning	Winfield
Martin	York

#### Nays—10

Aikin	Mauritz
Beck	Metcalf
Bullock	Moffett
Lane	Moore
Lovelady	Stone

#### Absent

Cotten	Sulak
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#### Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

**Paired**

Senator Chadick (present), who would vote "yea" with Senator Shivers (absent), who would vote "nay".

The bill then was passed to third reading.

**House Bill 439 on Third Reading**

Senator Moffett moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 439 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Graves	Ramsey
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

**Absent—Excused**

Cotten	Lemens
Fain	Shivers
Formby	Spears
Kelley	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**Report of Conference Committee on Senate Bill 27**

Senator Moore submitted the following report:

Hon. John Lee Smith, President of the Senate,

Hon. Price Daniel, Speaker, House of Representatives.

Sirs: We, the Members of your Conference Committee appointed to adjust the differences between the Senate and the House on S. B. No. 27, have met and recommend that S. B. No. 27 be passed in the form attached hereto.

MOORE,  
WINFIELD,

BULLOCK,

MORRIS,

AIKIN,

On the Part of the Senate;

MORSE,

LITTLE,

HUMPHREY,

SENTERFITT,

CRAIG,

On the Part of the House.

S. B. No. 27 By Senator Moore.

**A BILL****To Be Entitled**

"An Act providing a more efficient fiscal system for the State of Texas including (but not excluding other things) a uniform system of accounting; creating a Legislative Audit Committee, and the appointment of a State Auditor by such Legislative Audit Committee; repealing H. B. No. 170, Chapter 91, Acts of the First Called Session of the Forty-first Legislature; providing that the present State Auditor and Efficiency Expert shall continue to discharge duties of his office until a State Auditor is selected and qualifies under this Act; amending Article 4366 Revised Civil Statutes, 1925; providing for the transfer of appropriations and making additional appropriations; providing that expenditures shall be under the direction of the Legislative Audit Committee; providing that the appointment of the State Auditor shall be by and with the consent of two-thirds (2/3) of the Members of the Senate; prescribing the qualifications, duties, and authority of said State Auditor and providing for his compensation; providing for the necessary assistants for said Auditor and fixing their qualifications and compensation; providing for the payment of salaries, travel, and other expense of the office of State Auditor; providing for the removal of State Auditor and his assistants, or any of them, under certain conditions; providing a method of filling any vacancy in the office of State Auditor and vacancies in the personnel of said office; prescribing penalties; including Texas Prison System among institutions to be audited; defining terms; providing a savings clause; and declaring an emergency."

Be It Enacted by the Legislature of the State of Texas:

Section 1. House Bill No. 170, Chapter 91, of the Acts of the First Called Session of the Forty-first Legislature of the State of Texas, 1929, be and the same is hereby repealed, save and except that the State Auditor and Efficiency Expert and his employees shall continue to discharge the functions of the office under such H. B. No. 170 until a State Auditor has been appointed and has qualified under the terms of this Act. Upon the qualification of a State Auditor under the terms of this Act, any funds remaining in the appropriation for the current biennium for the office of State Auditor and Efficiency Expert and for the Auditor provided in Section 18, Chapter 212, Acts, Regular Session, Fortieth Legislature, may be used by and are appropriated for the office of State Auditor provided for in this Act, subject to the provisions hereof. In addition, there is hereby appropriated for the remainder of the current biennium the sum of Fifteen Hundred (\$1500.00) Dollars or so much thereof as, together with appropriations transferred, is necessary to pay the State Auditor the salary hereinafter provided.

Sec. 2. There is hereby created a Legislative Audit Committee, which shall be composed of the Speaker of the House of Representatives, the Chairman of the Appropriations Committee of the House of Representatives, the Chairman of the Revenue and Taxation Committee of the House of Representatives, the Lieutenant-Governor, the Chairman of the Finance Committee of the Senate and the Chairman of the Committee on State Affairs of the Senate. In the absence of any such Chairman, the Vice-Chairman of such committee shall act. The members of said committee shall receive no compensation for the services performed under the provisions of this Act, but each shall receive his actual and necessary expenses incurred in the discharge of his duties as such member. The committee shall employ such clerical assistants as it may need within the limits of the appropriations made for such purpose.

The committee, within ten (10) days from the passage of this Act,

shall meet and organize by electing one (1) member of said committee, chairman; and another member of said committee, secretary. In voting on any question which this Act requires the Legislative Audit Committee to decide, if the full committee is present and there is a tie vote, and the committee cannot secure, within a reasonable time, a majority vote either for or against the proposition under consideration, then the committee shall agree on a seventh member, selected from the membership of either the House or the Senate, and the member so selected shall meet with the committee and shall vote on the proposition under consideration. When he has voted and the proposition has been decided, his duties as a member of such committee shall end.

Sec. 3. Such committee, or the majority of the membership thereof, shall appoint an investigator of all custodians of public funds, disbursing agents, and personnel of departments, the title of such officer to be State Auditor. The appointment shall be made during the period from February 1st to February 15th of each odd numbered year, and the person so appointed State Auditor shall hold the office until his successor is appointed and qualifies; provided, however, that within ten (10) days of the effective date of this Act, or as soon thereafter as practicable, such committee shall appoint an Auditor for the period expiring February 15, 1945. Such Auditor shall be a Certified Public Accountant of Texas.

Sec. 4. The person appointed State Auditor shall have had at least five (5) years experience as a Certified Public Accountant immediately preceding his appointment, and he shall be a man of unquestioned integrity and moral character and who has had sufficient experience in business and finance to properly discharge the functions of the office. He shall have been a citizen and resident of Texas for at least five (5) years immediately preceding his appointment. He shall qualify by taking the Constitutional oath of office and executing a bond to be approved by the appointing power, payable to the Governor of the State of Texas and his successors in office, in the sum of Twenty-five Thousand (\$25,000.00) Dollars, conditioned upon the faith-

ful discharge of the duties of his office, with a solvent surety company as surety. The premium due the surety company for the execution of such bond shall be paid by the State.

Sec. 5. The Legislative Audit Committee, or a majority of the membership thereof, shall execute a written appointment of the person so appointed as such State Auditor and cause the same to be filed in the office of the Secretary of State. The person so appointed to such office, within ten (10) days after his appointment, shall file in the office of the Secretary of State his oath and approved bond; and if he shall fail to do so, the committee, or a majority of the membership thereof, shall appoint some other qualified person to fill such office. All vacancies in the office of State Auditor shall be filled by the committee or a majority of the membership thereof.

Sec. 6. The appointment of the State Auditor shall be by the Legislative Audit Committee immediately certified to the Senate, if the same be in session, and if it not be then in session it shall be certified within ten (10) days after said Senate shall be officially convened for any purpose, and if, after consideration by the Senate, the person so appointed and certified shall not receive the approval of two-thirds (2/3) of the members of the Senate, he shall not be considered as approved, and the Legislative Committee shall at once proceed to the selection of another for such position.

Sec. 7. The State Auditor is hereby granted the authority and it shall be his duty:

1. To perform an audit of all accounts, books and other financial records of the State Government of any officer of the State, department, board, bureau, institution, commission or agency thereof, and to prepare a written report or reports of such audit or audits to the Legislative Audit Committee and such other person or persons hereafter designated in this bill.

2. To personally, or by his duly authorized assistance, examine and audit all fiscal books, records and accounts of all custodians of public funds, and of all disbursing officers of this State, making independent

verifications of all assets, liabilities, revenues and expenditures of the State, its departments, boards, bureaus, institutions, commissions or agencies thereof now in existence or hereafter created.

3. To require such changes in the accounting system or systems and record or records of any office, department, board, bureau, institution, commission or State agency, that in his opinion will augment or provide a uniform, adequate, and efficient system of records and accounting.

4. To work with the executive officers of any and all State offices, departments, boards, bureaus, institutions, commissions or agencies thereof hereafter created, in outlining and installing a uniform, adequate and efficient system of records and accounting.

5. To require the aid and assistance of all executives and officials, auditors, accountants and other employees of each and every department, board, bureau, institution, commission or agency of the State at all times in the inspection, examination and audit of any and all books, accounts and records of the several departments.

The State Auditor shall have access at all times to all of the books, accounts, reports, confidential or otherwise, vouchers, or other records of information in any State office, department, board, bureau, or institution of this State.

In making any changes, the State Auditor shall take into consideration the present system of such books, records, accounts and reports in order that the transition may be gradual. The past and present records shall be coordinated into the new system. It is the object and purpose of this Act, among other things, to install a unified and coordinated system of accounting and records in every department, bureau, board and institution of the State Government.

The State Auditor shall also perform such other duties as may be required of the State Auditor or State Auditor and Efficiency Expert by and other existing law or laws of this State.

Sec. 8. In addition to the other duties provided for the State Auditor, he shall thoroughly examine all departments of the State Govern-

ment with special regard to their activities and the duplication of efforts between departments and the quality of service being rendered by subordinate employees in each of the several departments.

Upon completing the examination of any department, he shall furnish the head thereof with a report of, among other things, (a) the efficiency of the subordinate employees; (b) the status and condition of all public funds in charge of such department; (c) the amount of duplication between work done by the departments so examined and other departments of the State Government; (d) the expense of operating the departments; (e) breaches of trust and duty, if any, by an officer, department, institution, board, bureau, or other custodian or disbursement officer of public funds; (f) any suggested changes looking toward economy and reduction of number of clerical and other employees, and the elimination of duplication and inefficiency. Copies of each report shall be filed with the Governor, the Lieutenant-Governor, the Speaker of the House of Representatives, the Secretary of State, and each Member of the Legislature.

The State Auditor shall file an annual report with the Governor; copies of such report shall be filed with the Speaker of the House, the Lieutenant-Governor, and in the office of the Secretary of State. Such annual report shall contain, among other things, copies of, or the substance of reports made to the various departments, bureaus, institutions, and boards, as well as a summary of changes made in the system of accounts and records thereof.

Reports shall also contain specific recommendations to the Legislature for the amendment of existing laws or the passage of new laws designed to improve the functioning of various departments, boards, bureaus, institutions or agencies of State Government to the end that more efficient service may be rendered and the cost of government reduced.

All recommendations submitted by the State Auditor shall be confined to those matters properly coming within his jurisdiction, which is to see that the laws passed by the Legislature dealing with the expenditure of public moneys are in all respects carefully observed, and that the at-

tention of the Legislature is directed to all cases of violation of the law and to those instances where there is need for change of existing laws or the passage of new laws to secure the efficient spending of public funds. The State Auditor shall not include in his recommendations to the Legislature any recommendations as to the sources from which taxes shall be raised to meet the governmental expense.

All reports by the State Auditor shall call attention to any funds, which in his opinion, have not been expended in accordance with law or appropriations by the Legislature; and shall make recommendations to the Legislature as to the manner or form of appropriations, which will avoid any such improper expenditure of money in the future.

Each of the auditings herein provided for shall be made and concluded as directed by the Legislative Audit Committee, and in accordance with the terms of this Act; but shall be concluded and reports thereof made not later than thirty (30) days before the convening of each Regular Session of the Legislature. The Committee shall direct the Auditor to make any special audit or investigation that in its judgment is proper or necessary to carry out the purpose of this Act, or to assist the Legislature in the proper discharge of its duties.

The Committee shall direct the printing or mimeographing of such number of any reports as it thinks necessary and proper.

All reports filed by the Secretary of State shall be open to public inspection.

Sec. 9. The State Auditor shall keep, or cause to be kept, a complete, accurate and adequate set of fiscal transactions of the State Auditor's office. He shall also keep a complete file of copies of all audit reports, examinations, investigations, and any and all other reports or releases issued by him or his office, and a complete file of audit work papers and other evidences pertaining to work of the office of State Auditor.

Sec. 10. If the State Auditor finds, in the course of his audit, evidence of improper practices of financial administration or of any general incompetency of personnel, inadequacy of fiscal records, he shall report same immediately to the Governor, the

Legislative Audit Committee, and the Department head or heads affected. If the State Auditor shall find evidence of illegal transaction, he shall forthwith report such transactions to the Governor, the Legislative Audit Committee and the Attorney General.

Immediately upon receipt of a report from the State Auditor of incompetency of personnel and inadequacy of fiscal records, the Legislative Audit Committee shall review the State Auditor's report of same and hold hearings with the Department head or heads concerning such incompetency and inadequacy of fiscal records. The Legislative Audit Committee, after holding such hearings, shall make a report to the Department head or heads requesting the removal or replacement of the incompetent personnel or the installation of the necessary fiscal records. The Legislative Audit Committee shall report to the Legislature any refusal of the Department officials to remedy such incompetency or the installation of proper fiscal records.

Sec. 11. The State Auditor shall devote his entire time to the discharge of the duties herein imposed upon him, shall maintain his office in the Capitol, and the Board of Control is directed to furnish suitable quarters, supplies and stationery for him and his assistants and employees. The State Auditor shall receive for his services compensation at the rate of Seven Thousand Five Hundred (\$7,500.00) Dollars per annum until September 1, 1945, and thereafter such sum as may be provided in the biennial appropriation bill, together with the necessary traveling expense, payable monthly in the manner as other State officers are paid. All vouchers issued in the payment of salary and expenses to the State Auditor shall be approved by the Chairman of the Legislative Audit Committee before they are paid; and all vouchers issued for the payment of salaries of assistant auditors and for stenographic and clerical help, as well as all vouchers issued in the payment of other expenses incurred in the operation of the office of the State Auditor, shall be approved by the State Auditor before they are paid. Traveling expenses for all employees in the State Auditor's office, when engaged on official business, shall be paid to the extent authorized in the appropriation bill for the State Audi-

tor's office. All sums appropriated to the State Auditor for that Department shall be expended under the direction and subject to the control of the Legislative Audit Committee. Salaries shall be paid monthly. The salary of no assistant auditor shall exceed the sum of Four Thousand Two Hundred (\$4,200.00) Dollars per annum, except the First Assistant, whose salary shall not exceed Six Thousand (\$6,000.00) Dollars per annum. The First Assistant State Auditor shall perform such duties and assignments as the State Auditor may prescribe, and shall act as State Auditor in the absence of the State Auditor. All such assistant auditors and stenographic and clerical assistants shall be named and appointed by the State Auditor. The salaries paid shall in no event exceed the amounts paid in other departments for similar services.

Sec. 12. The State Auditor shall be free to select the most efficient personnel available for each and every position in his office, to the end that he may render to the members of the Legislature that service which they have a right to expect. It is the intention and desire of the Legislature to free the State Auditor and his staff from partisan politics and it is hereby declared to be against public policy, and unlawful, for any member of the Legislature or any official or employee of the State government or any board, bureau, department or institution thereof to recommend or suggest the appointment of any person to a position on the staff of the State Auditor. The State Auditor is hereby authorized to conduct such professional examinations as he may deem expedient in determining the qualifications of the persons whom he contemplates placing on his staff.

Sec. 13. The State Auditor may be removed or discharged at any time by the Legislative Audit Committee, or a majority of the members thereof, for any reason satisfactory to said Committee or a majority thereof, and without a hearing, and such office or position filled by appointment, the same as though a vacancy existed in such office. The State Auditor may remove or discharge any assistant auditor or any stenographic or clerical assistants at any time and for any reason satisfactory to himself and without a hearing.

Sec. 14. Any officer or person employed by the State of Texas or any governmental unit of the State who shall refuse to permit the examination or access to the books, accounts, reports, vouchers, papers, documents or cash drawer or cash of his office, department, institution, board, bureau by the State Auditor, or who shall in any way interfere with such examination, or who shall refuse to make any report required by this Act, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than One Hundred (\$100.00) Dollars nor more than One Thousand (\$1,000.00) Dollars, or by imprisonment in the County Jail for not less than one (1) month nor more than twelve (12) months, or by both such fine and imprisonment.

Sec. 15. The State Auditor shall not serve in any ex-officio capacity, on any administrative board or commission, or have any financial interest in the transactions of any department, board, bureau, institution, commission or agency of the State.

Sec. 16. The provisions of Section 18 of Chapter 212 of House Bill 59, Acts of the Regular Session of the 40th Legislature, shall in no way relieve the State Auditor from the duties and responsibilities of auditing the Texas Prison System the same as every other department, board, bureau or institution of this State.

Sec. 17. Article 4366 of the Revised Statutes of 1925 is amended hereby so as to read hereafter as follows:

"Article 4366. The State Auditor shall examine the disbursements of the Treasurer at the end of each quarter, and shall, together with the Treasurer, cancel the warrants which have been paid in such manner as to prevent their future circulation, and shall examine if the receipts acknowledged by the Treasurer during the quarter correspond with the deposits, and if the balance of money reported to be in his possession is actually in his hands."

Sec. 18. Wherever the word "department," "board," "bureau," "institution," "commission," or other word or words of similar import appear in any prior Section of this Act, such shall mean each and every department, board, bureau, institution, commission or agency of the State Government.

Sec. 19. If any part or parts of this Act shall be held unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this Act. The Legislature hereby declares that it would have passed the remaining parts of this Act if it had known that such invalid part or parts thereof would be so declared unconstitutional.

Sec. 20. The importance of this legislation creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days, be suspended, and that this Act take effect from and after its passage, and such Rule is hereby suspended, and this Act shall take effect from and after its passage, and it is so enacted.

Question—Shall the report be adopted?

The report was adopted by the following vote:

Yeas—22

Beck	Mauritz
Brownlee	Metcalfe
Bullock	Moffett
Chadick	Moore
Graves	Morris
Hazlewood	Ramsey
Jones	Stone
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

Nays—1

Aikin

Absent

Sulak

Absent—Excused

Cotten	Lemens
Fain	Shivers
Formby	Spears
Kelley	

Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
May 5, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has concurred in Senate amendments to H. B. No. 632 by a viva voce vote.

The House has concurred in Senate amendments to H. B. No. 520 by a vote of 88 yeas and 23 noes.

The House refused to concur in Senate amendments to H. B. No. 176 and has requested the appointment of a Conference Committee to consider the differences between the two Houses, and appointed the following conferees:

Bundy, Callaway, Hileman, Manning and Fitzgerald.

The House refused to concur in Senate amendments to H. B. No. 9 and has requested the appointment of a Conference Committee to consider the differences between the two Houses, and appointed the following conferees:

Favors, Westbrook, Dove, Pigg and Pruett, with instructions.

The House has adopted the Conference Committee Report on H. B. No. 5 by a vote of 135 yeas; no noes.

Respectfully submitted,

CLARENCE JONES,  
Chief Clerk, House of Representatives.

#### House Bill 393 on Second Reading

On motion of Senator Ramsey, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. B. No. 393, A bill to be entitled "An Act amending Chapter I of Title 50, of the Revised Civil Statutes of the State of Texas by adding Article 2929a; etc.; and declaring an emergency."

(President in the Chair.)

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

#### House Bill 393 on Third Reading

Senator Ramsey moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 393 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Chadick
Beck	Graves
Brownlee	Hazlewood
Bullock	Jones

Lane	Morris
Lanning	Ramsey
Lovelady	Stone
Martin	Sulak
Mauritz	Vick
Metcalf	Weinert
Moffett	Winfield
Moore	York

#### Absent—Excused

Cotten	Lemens
Fain	Shivers
Formby	Spears
Kelley	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Report of Conference Committee on House Bill 5

Senator Aikin submitted the following report:

Austin, Texas,  
May 5, 1943.

Hon. John Lee Smith, President of the Senate.

Hon. Price Daniel, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and the Senate on H. B. No. 5, beg leave to report that we have considered the same and recommend that it do pass in the form and text hereto attached.

AIKIN,  
JONES,  
MORRIS,  
VICK,  
MOFFETT,

On the part of the Senate.

MOORE,  
CATO,  
AVANT,  
CONNELLY,

On the part of the House.

H. B. No. 5, A bill to be entitled "An Act making certain emergency appropriations for the Adjutant General's Department incident to the support and use in emergencies of the Texas Defense Guard and other Military Forces of Texas, repealing Items 62 and 63 of the appropriations to that Department made by the Forty-seventh Legislature in S. B. No. 423; and declaring an emergency."

Be it Enacted by the Legislature of the State of Texas:

Section 1. That, in addition to the moneys heretofore appropriated to the Adjutant General's Department, there is hereby appropriated to said Department, for the purpose stated below, the several sums of money herein specified, or so much thereof as may be necessary, out of any moneys in the General Fund in the State Treasury not otherwise appropriated, viz:

1. Martial law; emergency use of troops components of the State Military Forces in the field; for pay and allowances of such troops; for sheltering and rationing them (either in kind or by money equivalent); for taking care of and providing them while sick or injured in line of duty when in the service of the State; for travel and per diem and for contingent expense incident to such use. Provided that no part of this item shall be available to pay officers or other military personnel while serving in or on duty in the Adjutant General's office in Austin or while serving as Inspectors or Instructors of military forces not in active service of the State

\$ 3,000.00

2. Procurement and distribution of munitions and other military supplies intended for use by Texas Defense Guard, including the cost thereof, if any.

\$ 8,000.00

3. To increase, as shown below, the pay in each of the following items in the appropriations for the support and maintenance of the Adjutant General's Department in S. B. No. 423 (General Laws, Forty-seventh Legislature, pp. 1115, 1116), viz: Items 10 to 14, inclusive, and Items 4 and 55 from \$200.00 to not more than \$250.00 per month; provided that the

amounts here appropriated shall be available for the salaries mentioned in addition to the amounts appropriated by the Forty-seventh Legislature

\$ 1,750.00

4. For transportation, shelter, subsistence and all other expenses in organizing and maintaining schools of instruction for officers and enlisted men, either or both.

\$27,250.00

Total \$40,000.00

Sec. 2. Items 1, 2 and 3 of the above appropriations shall be available for use by the Adjutant General's Department throughout the period beginning with the effective date of this Act and ending August 31, 1943, and none of the items of this appropriation shall be subject to General Provision (22) of S. B. No. 423 of the Forty-seventh Legislature, approved June 30, 1941, (General Laws, Forty-seventh Legislature, pp. 1115, et seq.), or to any other similar restrictive provision in any bill hereafter enacted unless expressly made so by the terms of such subsequent enactments. Item 4 of the above appropriations shall be available for such use during said term and, also, until August 31, 1944.

Sec. 3. The Treasurer of the State of Texas is hereby authorized to pay warrants at their full face value issued under the authority of this Act if the warrants are payable to the Federal Government or to any agency of the Federal Government.

Sec. 4. The appropriations contained in Items 62 and 63 of the appropriations made by the Forty-seventh Legislature in S. B. No. 423, approved June 30, 1941, (General Laws, Forty-seventh Legislature, pp. 1115, et seq.), for the support and maintenance of the Adjutant General's Department during the fiscal year ending August 31, 1943, that are unobligated and unexpended on the effective date of this Act, are and the same shall be hereby repealed and revoked.

Sec. 5. The fact that the Nation is now in a state of war and it has been found necessary to organize and maintain, in addition to the normal Military Forces of Texas, the Texas Defense Guard and the appropriations

heretofore made to the Adjutant General's Department are insufficient, and the further fact that no appropriations exist to cover the expense which the appropriations in this Act will cover for the balance of the current fiscal year, creates an emergency and an imperative public necessity requiring that the Constitutional Rule stipulating that bills be read on three separate days be suspended and that this Act take effect from and after its passage, and it is so enacted.

Question—Shall the report be adopted?

The report was adopted by the following vote:

Yeas—24

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Graves	Ramsey
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Cotten	Lemens
Fain	Shivers
Formby	Spears
Kelley	

#### Conference Committee on House Bill 176

Senator Metcalfe called up from the President's table, for consideration at this time, the request of the House for a Conference Committee on H. B. No. 176, and moved that the request of the House be granted.

The motion prevailed.

Accordingly, the President appointed the following conferees on the bill on the part of the Senate:

Senators Aikin, Shivers, Lovelady, Metcalfe, and Weinert.

#### Report of Conference Committee on Senate Bill 143

Senator Lane submitted the following report:

Austin, Texas,  
May 3, 1943.

Hon. John Lee Smith, President of the Senate,

Hon. Price Daniel, Speaker of the House of Representatives.

Sirs; We, your Conference Committee, appointed to adjust the differences between the House and Senate on S. B. No. 143, have had the same under consideration, and beg leave to recommend that same be passed in the form and text hereto attached.

Respectfully submitted,

LANE,  
BULLOCK,  
MORRIS,  
CHADICK,  
WEINERT,  
Members of the Senate;  
VALE,  
STOREY,  
PHILLIPS,  
LASSETER,  
Members of the House.

S. B. No. 143 By Senator Lane:

#### A BILL To Be Entitled

"An Act to amend Title 14 of the Revised Civil Statutes of Texas, 1925, by adding Article 307A so as to provide that law licenses shall be issued to graduates of certain law schools who are citizens of Texas in the military service of the United States and whose military service commenced before the date set for the second State Bar Examinations next following their graduation from said law schools; providing for one year's residence in Texas prior to graduation and providing for character requirements prescribed in the rules of the Supreme Court of Texas; setting a time for application for such licenses; defining military service; providing that if any portion of this Act shall be held invalid or unconstitutional the other portions shall remain in effect; repealing all laws in conflict herewith; and declaring an emergency."

Be It Enacted by the Legislature of the State of Texas:

Section 1. Amend Title 14 of the Revised Civil Statutes of Texas, 1925, by adding Article 307A to read as follows:

"Article 307A. Law licenses shall be granted, without requirements of passage of the State Bar Examinations, to all graduates of the law schools of the University of Texas, Baylor University, Southern Methodist University and of all law schools which are members of the Association of American Law Schools at the date of passage of this Act to all citizens of Texas who have entered, or may enter the military service of the United States, provided such military service shall have been commenced prior to the date set for the second State Bar Examination next following the date of their graduation from said law schools; and provided further that such applicants must have been residents of Texas for at least one (1) year prior to graduation, and must meet the character requirements prescribed in the Rules of the Supreme Court of Texas.

"Application for such licenses shall be made within one (1) year after the date of honorable discharge from the military service of the United States.

"Military service shall include service in all branches of the Army, Navy and other military forces of the United States, including auxiliary services, during the present war, or during national emergency as declared by Congress or the President of the United States."

Sec. 2. If any portion or clause of this Act shall be held invalid or unconstitutional the remaining portions shall be held unconstitutional and valid.

Sec. 3. All laws or parts of laws in conflict herewith are hereby repealed.

Sec. 4. The fact that many Texas law graduates have patriotically answered the call of their country and thereby sacrificed their opportunities to study for and take the State Bar Examinations in due course, and the further fact that appreciation by their State of their response to duty is due them by the passage of this Act, creates an emer-

gency and an imperative public necessity that the constitutional rule requiring all bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was adopted by the following vote:

Yeas—24

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Graves	Ramsey
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Cotten	Lemens
Fain	Shivers
Formby	Spears
Kelley	

#### House Concurrent Resolution 94

The President laid before the Senate for consideration at this time:

H. C. R. No. 94, Granting permission to Yancy Barron of Ellis County to sue the State.

The resolution was read second time and was adopted.

#### House Concurrent Resolution 99

The President laid before the Senate for consideration at this time:

H. C. R. No. 99, Granting W. H. Collins permission to sue the State of Texas.

The resolution was read second time and was adopted.

#### House Concurrent Resolution 103

The President laid before the Senate for consideration at this time:

H. C. R. No. 103, Authorizing C. H. C. Anderson to sue the State.

The resolution was read second time and was adopted.

**House Concurrent Resolution 105**

The President laid before the Senate for consideration at this time:

H. C. R. No. 105, Creating the public policy of the State concerning the Caucasian Race.

The resolution was read second time and was adopted.

**House Concurrent Resolution 106**

The President laid before the Senate for consideration at this time:

H. C. R. No. 106, Granting Roy Wadsworth permission to sue the State.

The resolution was read second time.

Senator Graves offered the following amendment to the resolution:

Amend H. C. R. No. 106 by inserting a comma immediately following the word "denied" on the last line on page 2, by adding immediately thereafter following the words:

"and all facts alleged herein must be proved in court."

The amendment was adopted.

The resolution as amended was adopted.

**House Concurrent Resolution 127**

The President laid before the Senate for consideration at this time:

H. C. R. No. 127, Granting Mr. H. P. Guerra, Sr., permission to bring suit against the State of Texas.

The resolution was read second time.

The (committee) amendment was adopted.

The resolution as amended was adopted.

**House Concurrent Resolution 52**

The President laid before the Senate for consideration at this time:

H. C. R. No. 52, Concerning litigation involving boundary line between Texas and Louisiana.

The resolution was read second time and was adopted.

**House Concurrent Resolution 122**

The President laid before the Senate for consideration at this time:

H. C. R. No. 122, Granting permission to Mrs. Allie Kelley to sue

the State of Texas or the State Highway Department.

The resolution was read second time and was adopted.

**House Bill 730 on Second Reading**

On motion of Senator Bullock, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. B. No. 730, A bill to be entitled "An Act granting permission to J. R. Williamson to bring suit against the State of Texas and/or Highway Department of Texas in a court of competent jurisdiction in Callahan County, Texas, for damages alleged to have been sustained by him as a result of the loss of crops and damages to 16 acres of land located in Callahan County, Texas, out of the North one-half of Block Number 93, a subdivision of Comal County School land, Survey Number 181 adjacent to and immediately North, Northeast and East of State Highway Number 36 in Callahan County, Texas, as a result of the failure of the State Highway Department to properly drain said land while constructing State Highway Number 36, known as the Abilene Cross Plains Highway and running from the City of Abilene in Taylor County, Texas, to the City of Cross Plains in Callahan County, Texas; etc.; and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

**House Bill 730 on Third Reading**

Senator Bullock moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 730 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Jones
Beck	Lane
Brownlee	Lanning
Bullock	Lovelady
Chadick	Martin
Graves	Mauritz
Hazlewood	Metcalf

Moffett	Sulak
Moore	Vick
Morris	Weinert
Ramsey	Winfield
Stone	York

## Absent—Excused

Cotten	Lemens
Fain	Shivers
Formby	Spears
Kelley	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**House Bill 217 on Second Reading**

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 217, A bill to be entitled "An Act validating the incorporation of such cities and towns of more than 200 and less than 10,000 inhabitants heretofore incorporated or attempted to be incorporated under the General Laws of Texas, Title 28, Revised Civil Statutes of Texas, 1925, and S. B. No. 144, passed by the Forty-seventh Legislature, Regular Session, 1941; etc.; and declaring an emergency."

The bill was read second time and was passed to third reading.

**House Bill 217 on Third Reading**

Senator Beck moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 217 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Graves	Ramsey
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

## Absent—Excused

Cotten	Lemens
Fain	Shivers
Formby	Spears
Kelley	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**Bills Signed**

The President signed in the presence of the Senate, after their captions had been read, the following enrolled bills:

H. B. No. 250, A bill to be entitled "An Act creating a Municipal Pension System in cities of over 385,000; etc.; and declaring an emergency."

S. B. No. 211, A bill to be entitled "An Act amending Section 57, of the Certificate of Title Act as the same was amended by the Acts of the Forty-seventh Legislature, Regular Session, Chapter 187, Section 6, page 345; and declaring an emergency."

S. B. No. 100, A bill to be entitled "An Act amending Article 333 of the Code of Criminal Procedure of the State of Texas of the year 1925 codification so as to permit the appointment of not less than three nor more than five persons to perform the duties of Jury Commissioners; and also amending Article 339 of said Code of Criminal Procedure so as to make failure to pay a poll tax no disqualification for serving as a grand juror; and declaring an emergency."

**Message from the Governor**

The following message was received and was read and referred to the Committee on Nominations of the Governor:

Austin, Texas,  
May 5, 1943.

To the Senate of the Forty-eighth Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be Members of the State Board of Veterinary Medical Examiners for two year terms expiring January 1, 1945:

A. C. Burns of Cleburne, Johnson County.

Jack Skiles of Denton, Denton County.

Archie Stalling of Houston, Harris County.

O. E. Wolfe of Big Spring, Howard County.

C. W. Neal of San Antonio, Bexar County.

J. K. Nortway of Kingsville, Kleberg County.

Respectfully submitted,  
COKE R. STEVENSON,  
Governor of Texas.

#### Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
May 5, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 87, A bill to be entitled "An Act amending Subsection 29 of Article 199, Title 8, Revised Civil Statutes of Texas, 1925, as amended by H. B. No. 334, Chapter 46, Acts of the Regular Session of the Fortieth Legislature, as amended by H. B. 366, Chapter 331, page 807, Acts of the Regular Session of the Forty-second Legislature, providing for the reorganization of the 29th Judicial District of the State of Texas, and to provide that Somervell County shall be taken from the 18th Judicial District and transferred to the 29th Judicial District of the State of Texas; etc.; and declaring an emergency."

Respectfully submitted,  
CLARENCE JONES,  
Chief Clerk, House of Representatives.

#### House Bill 164 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 164, A bill to be entitled "An Act amending Article 2789 of the Revised Civil Statutes of the State of Texas, relating to the refunding of bonds issued by any town or village incorporated for free school purposes only, or any common, independent, or consolidated common, or consolidated independent county line, or consolidated county line or rural high school district, providing new bonds bearing the same or less rate of interest maturing within forty years from date of issue may be issued and providing that said bonds

may be optional and payable on any interest payment date and giving the State the option to purchase said new refunding bonds by meeting the best bona fide bid when said bonds do not bear less than 2.5% interest; etc.; and declaring an emergency."

The bill was read second time.

Senator Lanning offered the following amendment to the bill:

Amend the bill by striking out all before and all after the enacting clause and inserting in lieu thereof the following caption and the following preamble and sections:

#### "A BILL

#### "To Be Entitled

"An Act lowering the rate of interest per annum to three (3) per centum upon outstanding bonds issued by towns and villages incorporated for school purposes only, common school districts, independent school districts, consolidated common school districts, consolidated independent school districts, county line school districts, consolidated county line school districts, and rural high school districts, owned by the Board of Education at the time of paying any such interest; declaring the public policy; making the payment of such lowered rate a discharge of interest on any such bond, and requiring the surrender to the issuing district of any bond upon the principal and such three (3) per cent interest having been fully paid; and requiring the State Treasurer, the Board of Education or other State officer or agent having possession of such discharged bond to deliver the same to the issuing district marked 'paid'; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

"Whereas, There have been lawfully issued and sold many bonds by towns and villages incorporated for school purposes only, common school districts, independent school districts, consolidated common school districts, consolidated independent school districts, county line school districts, consolidated county line school districts, and rural high school districts, bearing interest at a rate far exceeding three per cent per annum, which such bonds have been regularly sold and are now outstanding; and

"Whereas, Such bonds for the most part are now owned by the Board of Education under the provision of Article VII, Section 4, of the Constitution of Texas; and

"Whereas, Under existing financial conditions in the United States money may be had at a much less rate of interest than such bonds bear; and

"Whereas, Such issuing school districts and subdivisions of the State for wholesome governmental purpose, within its police power;

"It is declared to be the public policy of this State that such school districts should not be required to pay such unnecessary and excessive rates of interest on their said outstanding bonds; therefore;

"Section 1. Where any bond or bonds have been heretofore issued by any town or village incorporated for school purposes only; or by any common school district; or by any independent school district; or by any consolidated independent school district; or by any county line school district; or by any consolidated county line school district; or by any rural high school district in this State bearing an annual rate of interest in excess of three per centum per annum, and such bond or bonds at their time of payment of any interest thereon belong to the Board of Education of this State, the issuing school district shall never be required to pay a higher rate of interest than three per centum per annum, and the payment of such named rate of interest shall be full payment for interest upon said bond or bonds regardless of any higher rate than may be stipulated in said bond or bonds.

"Sec. 2. When any bond or bonds of any such school district as is mentioned in this Act shall have been fully paid as to the principal thereof and upon which there has been paid interest at the rate of three per centum per annum from and after the effective date of this Act, such bond or bonds shall be fully discharged, and it shall be the duty of the State Treasurer, the Board of Education and of any other officer or agent of the State having possession thereof to deliver the same to the district paying the same, duty stamped 'Paid.'

"Sec. 3. All laws and parts of laws in conflict herewith are hereby repealed.

"Sec. 4. By reason of the facts stated in policy expressed in Section 1, hereof, there is created an emergency and an imperative public necessity to the end that the constitutional rule requiring bills to be read in each House on three several days be, and the same is hereby suspended, and that this Act shall take effect and be in force and effect from and after its passage, and it is so enacted."

(Senator Moore in the Chair.)

The amendment was adopted.

The bill (as amended) then was passed to third reading by the following vote:

Yeas—17

Aikin	Mauritz
Brownlee	Moffett
Bullock	Morris
Chadick	Ramsey
Hazlewood	Stone
Jones	Vick
Lanning	Winfield
Lovelady	York
Martin	

Nays—6

Beck	Metcalfe
Graves	Moore
Lane	Weinert

Absent

Sulak

Absent—Excused

Cotten	Lemens
Fain	Shivers
Formby	Spears
Kelley	

#### House Bill 164 on Third Reading

Senator Hazlewood moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 164 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—20

Aikin	Graves
Beck	Hazlewood
Brownlee	Jones
Bullock	Lane
Chadick	Lanning

Lovelady	Ramsey
Martin	Stone
Mauritz	Vick
Moffett	Winfield
Morris	York

Nays—3

Metcalf	Weinert
Moore	

Absent

Sulak

Absent—Excused

Cotten	Lemens
Fain	Shivers
Formby	Spears
Kelley	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Report of Conference Committee on Senate Bill 159

Senator Morris submitted the following report:

May 5, 1943.

Hon. John Lee Smith, Lieutenant Governor.

Hon. Price Daniel, Speaker of the House.

Gentlemen: We, your Conference Committee, appointed to adjust the differences between the House and the Senate on Senate Bill No. 159, have met and considered said bill, and recommend that it do pass in the form and text as attached hereto.

Respectfully submitted,

MORRIS,  
LOVELADY,  
LANE,  
COTTEN,  
BULLOCK,

On the part of the Senate;

HUTCHINS,  
FUCHS,  
FENLEY,  
CHAMBERS,

On the part of the House.

By Senator Morris:

S. B. No. 159, A bill to be entitled "An Act making it unlawful for any person, firm, association or corporation to pack for sale, sell, or offer for sale any wheat flour, whole wheat flour, or corn meal, except such cer-

eals sold as grits, except in standardized packages; providing for the size and net weight of said packages; providing for the net weight, name of manufacturer and the name of the place where milled to be printed on the outside of each package and making it unlawful for any wheat flour, whole wheat flour, graham flour, other cereal flour, or corn meal to be packed for sale, offered for sale or sold within this State unless it shall be so labeled; providing for establishment of rules and regulations including certain variations or tolerances; providing for exceptions to this Act of direct sales from bulk stock to the consumer, direct sales to bakeries for exclusive use to such bakeries, of the exchange of flour or meal for wheat or corn, and such prepared products of wheat or corn selling in less than five-pound lots; providing for the violation of this Act to be a misdemeanor and fixing the penalty for such violations; providing for the repeal of H. B. No. 601, Chapter 237, Acts of the Regular Session of the Forty-fourth Texas Legislature, Regular Session, 1935, and all other laws or parts of laws in conflict herewith; providing for reporting under oath to the Commissioner of Agriculture of the State of Texas all packages on hand when this Act becomes effective, and permitting use of such packages to January 1, 1944, and requiring Commissioner of Agriculture to grant such person, firm, association or corporation additional six months to use up supply on hand; and declaring an emergency."

Be it Enacted by the Legislature of the State of Texas:

Section 1. The standard measures of wheat flour, whole wheat flour, graham flour, other cereal flour, and corn meal, except such cereals sold as grits, shall be packages containing net avoirdupois weights of two, five, ten, twenty-five, fifty, one hundred, one hundred fifty, and two hundred pounds.

Sec. 2. It shall be unlawful for any person, firm, association, or corporation to pack for sale, sell or offer for sale in the State of Texas any wheat flour, whole wheat flour, graham flour, other cereal flour, or corn meal except in packages (including barrels, sacks, bags, cartons, and other containers) of the above standard net weights.

Sec. 3. Each package of wheat flour, whole wheat flour, graham flour, other cereal flour and corn meal shall have the net weight, name of manufacturer (meaning the person, firm, association, or corporation which processes the wheat or other cereal into flour, or which processes the corn into meal) and the name of the place where milled, printed or plainly marked on it in letters and figures clearly readable; and that it shall be unlawful for any wheat flour, whole wheat flour, graham flour, other cereal flour or corn meal, to be packed for sale, offered for sale or sold within the State of Texas unless it shall be so labeled. Provided, however, that reasonable rules and regulations for the efficient enforcement of this Act, not inconsistent herewith, and including reasonable variations or tolerances, shall be made by the Commissioner of Agriculture.

Sec. 4. The provisions of this Act shall not apply to the retailing of wheat flour, whole wheat flour, graham flour, other cereal flour or corn meal direct to the consumer from bulk stock, nor to sales of flour to bakeries for exclusive use in such bakeries, nor to the exchange of flour or meal for wheat or corn by grist mills and other mills grinding for toll for producers; and that nothing herein contained shall be held to apply to any product such as prepared pancake flour, cake flour or other specialty, packed and distributed in identified original package, the net contents of which are five pounds or less.

Sec. 5. Any violation of this Act shall be a misdemeanor, and upon conviction the offender shall be fined not less than Twenty-five (\$25.00) Dollars nor more than One Hundred (\$100.00) Dollars for each offense.

Sec. 6. H. B. No. 601, Chapter 237, of Acts of the Regular Session of the Forty-fourth Texas Legislature, and all other laws and parts of laws in conflict herewith are hereby specifically repealed; provided that all persons, firms, associations or corporations having on hand at the time this Act goes into effect packages (including sacks, bags, cartons and other containers) of the sizes prescribed by H. B. No. 601, Chapter 237, Acts of the Regular Session of the Forty-fourth Legislature, shall, within ten days after said Act goes into effect, report to the Commis-

sioner of Agriculture of the State of Texas under oath the exact number of such packages then on hand, and shall be permitted to pack for sale, sell, and offer for sale wheat flour, other cereal flour and corn meal in such packages so on hand and of the sizes prescribed by said Chapter 237, Regular Session of the Forty-fourth Legislature, and the use thereof until such packages shall be exhausted shall not be unlawful, nor in violation of the provisions of Section 1 of this Act; provided further that if such packages are not used on or before January 1, 1944, the person, firm, association or corporation having such unused packages on hand shall furnish under oath within ten days from such date to the Commissioner of Agriculture of the State of Texas the number of packages still on hand, and the Commissioner of Agriculture shall grant such person, firm, association or corporation an additional six month from January 1, 1944, in which to use such packages.

Sec. 7. The fact that wheat flour, cereal flour and corn meal are being sold in this State in sizes other than those provided in W. P. B. Order M-221, and the further fact that these changes must be made at once to co-operate in the war program, creates an emergency and an imperative public necessity that the constitutional rule requiring all bills to be read on three several days in each House be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Question—Shall the report be adopted?

The report was adopted by the following vote:

Yeas—23

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Graves	Ramsey
Hazlewood	Stone
Jones	Vick
Lane	Weinert
Lanning	Winfield
Lovelady	York
Martin	

Absent

Sulak

## Absent—Excused

Cotten	Lemens
Fain	Shivers
Formby	Spears
Kelley	

## Local and Uncontested Bills

Senator Moffett moved that the Senate hold a session to consider local and uncontested bills on Friday, May 7, 1943, at 2:30 o'clock p. m.

The motion prevailed.

Senator Lovelady moved that all bills which Senators wish to be placed on the local and uncontested bill calendar be submitted to the committee charged with compiling the calendar before 1:00 o'clock p. m. tomorrow.

The motion prevailed.

## Adjournment

On motion of Senator Weinert, the Senate, at 5:00 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

## SIXTY-FOURTH DAY

(Thursday, May 6, 1943)

The Senate met at 10 o'clock a. m., pursuant to adjournment and was called to order by the President.

The roll was called, and the following 18 Senators were present:

Aikin	Lovelady
Brownlee	Mauritz
Bullock	Metcalf
Chadick	Moffett
Cotten	Moore
Graves	Morris
Jones	Stone
Lane	Weinert
Lanning	Winfield

Senator Weinert moved a call of the Senate for the purpose of securing a quorum, and the call was duly seconded and ordered.

The Sergeant-at-Arms was instructed to enforce the attendance of all unexcused absentees and to permit no Member of Senate to leave the Senate Chamber.

Senators Hazlewood, Ramsey, York, Martin, Shivers, and Vick subsequently appeared in the Senate Chamber and were announced present.

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

## Senate Resolution 95

Senator Metcalfe offered the following resolution:

Whereas, The Republic of Mexico is celebrating this week the eighty-first anniversary of the Battle of Puebla which was the occasion when the Mexican Army under the command of General Zaragoza administered the most decisive defeat ever given any army of a foreign state in Mexico;

Whereas, A group of aviators of the Army of Mexico graciously made a special trip by air to this country in order to bring to the ceremonies here a flag of the Republic for this occasion; and

Whereas, This action on the part of members of the Army of our neighbor Republic is emblematical of the spirit of friendship and unselfish cooperation existing between our two countries which is materially helping in our mutual effort to bring to a successful conclusion the war in which we are brothers-at-arms; and

Whereas, The able and admirable flyers who performed this fine mission are now in this city and present in the Capitol; now, therefore, be it

Resolved by the Senate of Texas, That we invite Lieutenant-Colonel Alberto Najera, and Captain R. Gaxiola, members of the Army party and Consul General Luis L. Duplan and Vice-Consul Felix Gonzales to address the Senate at this time, and that they be given the privileges of the floor during their visit to this city.

METCALFE,  
WINFIELD.

The resolution was read; and on motion of Senator Metcalfe, and by unanimous consent, it was considered immediately.

The resolution was adopted.

Accordingly, the President appointed Senators Metcalfe, Winfield, and Graves to escort Lieutenant-Colonel Najera, Captain Gaxiola, Consul-General Duplan, and Vice-Consul Gon-